IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4326 of 1998

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

TUSHARKUMAR KANTILAL VACHHANI

Versus

STATE OF GUJARAT

Appearance:

M/S THAKKAR ASSOC. for Petitioner No. 1

MR KL PANDYA, for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 01/04/2004

ORAL JUDGEMENT

1. The petitioner has challenged the order of the State Government dated 21st May 1998 whereby the State Government has confirmed the order of the Collector, Surat dated 8th September 1997. The Collector, Surat had suspended the licence of the petitioner for 30 days and confiscated the amount of deposit of Rs.3000/- which was

ultimately confirmed by the State Government.

2. While admitting this matter, this Court has granted ad interim relief in terms of para 12(B). Therefore, the order of suspension was never implemented and the petitioner has carried on his business all throughout. Mr.Pahva for the petitioner has submitted that by Notification dated 11th December 2003, "edible oil" and "groundnut oil" have been deleted from the Schedule to Gujarat Essential Articles (Licensing, Control and Stock Declaration) Order, 1981. He, therefore, submitted that the present petition has become infructuous inasmuch as the suspension order has never been implemented. Mr. KL Pandya, learned AGP, is unable to contest this submission.

3. Accordingly, the petition is disposed of as having become infructuous. Rule is discharged with no order as to costs. It is clarified that the order of suspension will not be implemented in view of the fact that the same is not implemented all throughout the pendency of this petition. However, the amount which has been confiscated of Rs.3000/- will not be refunded to the petitioner.

[K.S. JHAVERI, J.]
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